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10  
11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 JOSEPH CIAMPI,

14 Plaintiff,

15 v.

16 CITY OF PALO ALTO, a government  
17 entity; LYNNE JOHNSON, an  
18 individual; CHIEF DENNIS BURNS, an  
19 individual; OFFICER KELLY BURGER,  
20 an individual; OFFICER MANUEL  
21 TEMORES, an individual; OFFICER  
22 APRIL WAGNER, an individual;  
23 AGENT DAN RYAN; SERGEANT  
24 NATASHA POWERS, individual,

25 Defendants.

NO. C09-02655 JF (PVT)

**DEFENDANT DENNIS  
BURNS PARTIAL  
RESPONSE TO  
PLAINTIFF'S REQUEST FO  
PRODUCTION OF  
DOCUMENTS, SET TWO,  
NOS. 1-10, 35**

26 PROPOUNDING PARTY: Plaintiff, Joseph Ciampi, Pro Per

27 RESPONDING PARTY: Defendant, Dennis Burns

28 SET NUMBER: Two (despite the fact that there was no Set 1)

TO PLAINTIFF AND ALL INTERESTED PARTIES:

Defendant, City of Palo Alto, partially responds to Plaintiff's Request  
for Production of Documents and Inspection of Tangible Things, Set Two,  
Nos. 1-10, and 35 as agreed, despite the fact that there was no prior Set 1:

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## GENERAL OBJECTIONS

1  
2 Defendant, Dennis Burns, hereby responds to Plaintiff's Demand for  
3 Identification and Production of Documents, Set Two (really Set 1), Pursuant  
4 to Federal Rules of Civil Procedure, Rule 34. Defendant has obtained an  
5 extension by which to respond to all production requests other than Nos. 1-10,  
6 and 35. Responses to those requests are set forth below.

7 These responses are made in a good faith effort to provide propounding  
8 party with as much information as is presently/precisely known by this  
9 Defendant. As additional discovery occurs and this Defendant continues the  
10 investigation of this matter, additional facts and documentation will be  
11 revealed, some of which may pertain to Request to Produce which are being  
12 responded to herein.

13 Therefore, the following responses are given without prejudice to  
14 Defendant's right to produce subsequently discovered evidence and  
15 documents at time of trial relating to presently known facts and documents,  
16 and to produce all documents and evidence whenever discovered relating to  
17 the proof of subsequently discovered facts and documents.

18 The fact that any Request to Produce has been responded to herein  
19 should not be taken as an admission or acceptance of the existence of any  
20 facts or documents set forth or assumed in such request to produce or its  
21 response or that such response constitutes admissible evidence. No  
22 admissions of any nature whatsoever are implied or should be inferred from  
23 these responses.

24 Each response is subject to any and all objections as to competence,  
25 relevance, materiality, propriety, and admissibility. Each response is also  
26 subject to any and all objections and grounds that would require the exclusion  
27 of any statement or response, if any questions were asked of, or any response  
28 was made by witnesses present and testifying in court. All aforementioned  
objections and grounds are reserved and may be interposed at the time of trial.

1           These responses are made solely for the purpose of this action.

2           **REQUEST FOR PRODUCTION NO 1**

3           Please produce and provide a copy of Defendant Temores' MAV  
4 recording that has a "date of last modification" of March 15, 2008, the date  
5 that the recording was created.

6           **RESPONSE TO REQUEST FOR PRODUCTION NO 1**

7           Objection. Defendant objects to this request in that the information  
8 sought has been previously provided pursuant to an earlier production demand  
9 as well as in Defendants' Rule 26 Disclosure. As such, Plaintiff is already in  
10 possession of such.

11           Additionally, as phrased the request may violate the attorney-client  
12 and/or attorney work-product privilege, and it may also seek items and/or  
13 information that are privileged and protected under the attorney work-product  
14 and/or attorney-client privilege. It may also violate the litigation and the  
15 official information privileges.

16           Further, said request seeks items and information that are equally  
17 available to all parties and therefor it is burdensome and oppressive to this  
18 responding party.

19           However, and without waiving said objections, Defendant once again  
20 encloses herewith a copy of the DVD containing the March 15, 2008,  
21 recording from Officer Temores' MAV unit which was placed into evidence.

22           **REQUEST FOR PRODUCTION NO 2**

23           Please produce and provide a copy of Defendant Burger's taser video of  
24 the March 15,2008 incident created by taser camera V07-065373 on the  
25 tamper proof MPEG4 file format according to the Department of Justice Study  
26 and the manufacturer's, Taser International's, specifications. (Obviously the  
27 video from this taser camera should not be the same as the video from taser  
28 camera V06-015542 that was sent to the Santa Clara County Crime

1 Lab). (Export all of the video files at once from the taser camera to create a  
2 copy in the MPEG4 format).

3 **RESPONSE TO REQUEST FOR PRODUCTION NO 2**

4 Objection. Defendant objects to this request in that the information  
5 sought has been previously provided pursuant to an earlier production demand  
6 as well as in Defendants' Rule 26 Disclosure. As such, Plaintiff is already in  
7 possession of such.

8 Additionally, as phrased the request may violate the attorney-client  
9 and/or attorney work-product privilege, and it may also seek items and/or  
10 information that are privileged and protected under the attorney work-product  
11 and/or attorney-client privilege. It may also violate the litigation and the  
12 official information privileges.

13 Further, said request seeks items and information that are equally  
14 available to all parties and therefor it is burdensome and oppressive to this  
15 responding party.

16 Also said request is compound and argumentative. It is further  
17 unintelligible as presently phrased.

18 Additionally, said request is vague and ambiguous as to the words/  
19 terms "tamper proof MPEG4 file format", "tamper proof", "MPEG4",  
20 "according to the Department of Justice Study and the manufacturer's, Taser  
21 International's specifications", "Specifications" and/or "on the tamper proof  
22 MPEG4 file format according to the Department of Justice Study and the  
23 manufacturer's, Taser International's specifications" so as to make any  
24 response speculative as to exactly what is being sought, thereby making this  
25 request burdensome and oppressive to this responding party.

26 However, and without waiving said objections, Defendant once again  
27 encloses herewith a copy of the DVD containing the March 15, 2008, incident  
28 created by taser camera V07-065373 which was assigned to Officer Burger.

1 Also attached and previously provided is the Taser Download Report  
2 for 2008. As can be seen, there is apparently no taser camera assigned to any  
3 officer with the serial number of V06-015542. Taser camera V07-065373 was  
4 used by Officer Burger to record the events of March 15, 2008, and it was this  
5 camera that was taken into evidence by Chief Burns.

6 At some point, it is believed that someone entered the wrong serial  
7 number (V06-015542) into the log and it was assumed that Officer Burger  
8 indeed had a camera with serial number V06-015542. Apparently when the  
9 data was copied from Officer Burger's camera onto a CD, the serial number  
10 was physically copied from the log rather than from the camera itself. As  
11 such, the first time the crime lab reviewed the data, it was given a CD that  
12 indicated the recording was from V06-015542, which followed the mistake in  
13 the log.

14 However, it appears that the second time the lab reviewed the data, it  
15 was given the actual taser camera itself, rather than a CD. At that time, the lab  
16 properly documented that it came from serial number V07-065373 which is in  
17 fact the camera assigned to Officer Burger, and in fact one of two taser  
18 cameras which captured this incident, the other belonging to Officer Temores.  
19 Discovery continuing.

20 **REQUEST FOR PRODUCTION NO 3**

21 Please produce and provide a copy of Defendant Burger's taser video of  
22 the March 15, 2008 incident created by taser camera V06-015542 on the  
23 tamper proof MPEG4 file format according to the Department of Justice Study  
24 and the manufacturer's, Taser International's specifications. (Export all of the  
25 video files at once from the taser camera to create a copy in the MPEG4  
26 format).

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1     **RESPONSE TO REQUEST FOR PRODUCTION NO 3**

2             Defendant objects to this request in that as phrased the request it may  
3     violate the attorney-client and/or attorney work-product privilege, and it may  
4     also seek items and/or information that are privileged and protected under the  
5     attorney work-product and/or attorney-client privilege. It may also violate the  
6     litigation and the official information privileges.

7             Further, said request seeks items and information that is equally  
8     available to all parties and therefor it is burdensome and oppressive to this  
9     responding party.

10            Also said request is compound and argumentative. It is further  
11    unintelligible as presently phrased.

12            Additionally, said request is vague and ambiguous as to the  
13    words/terms "tamper proof MPEG4 file format", "tamper proof", "MPEG4",  
14    "according to the Department of Justice Study and the manufacturer's, Taser  
15    International's specifications", "Specifications" and/or "on the tamper proof  
16    MPEG4 file format according to the Department of Justice Study and the  
17    manufacturer's, Taser International's specifications" so as to make any  
18    response speculative as to exactly what is being sought, thereby making this  
19    request burdensome and oppressive to this responding party.

20            However and without waiving said objections, please see response to  
21    No. 2 above.

22            In an abundance of caution and in an effort to resolve this issue,  
23    Defendant is in the process of reviewing all Palo Alto taser cameras activated  
24    in 2008 to insure that they were not involved in this incident, and never  
25    contained data from the March 15, 2008, incident. This process is obviously  
26    time consuming and Defendant will supplement this response should  
27    additional information/recordings be located. Discovery continuing.

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1       **REQUEST FOR PRODUCTION NO 4**

2           Please produce and provide a copy of Defendant Temores' taser video  
3 of the March 15, 2008 incident created by taser camera V06-0 15530 on the  
4 tamper proof MPEG4 file format according to the Department of Justice Study  
5 and the manufacturer's, Taser International's specifications. (Export all of the  
6 video files at once from the taser camera to create a copy in the MPEG4  
7 format).

8       **RESPONSE TO REQUEST FOR PRODUCTION NO 4**

9           Objection. Defendant objects to this request in that the information  
10 sought has been previously provided pursuant to an earlier production demand  
11 as well as in Defendants' Rule 26 Disclosure. As such, Plaintiff is already in  
12 possession of such.

13           Additionally, as phrased the request it may violate the attorney-client  
14 and/or attorney work-product privilege, and it may also seek items and/or  
15 information that are privileged and protected under the attorney work-product  
16 and/or attorney-client privilege. It may also violate the litigation and the  
17 official information privileges.

18           Further, said request seeks items and information that is equally  
19 available to all parties and therefor it is burdensome and oppressive to this  
20 responding party.

21           Also said request is compound and argumentative. It is further  
22 unintelligible as presently phrased.

23           Additionally, said request is vague and ambiguous as to the  
24 words/terms "tamper proof MPEG4 file format", "tamper proof", "MPEG4",  
25 "according to the Department of Justice Study and the manufacturer's, Taser  
26 International's specifications", "Specifications" and/or "on the tamper proof  
27 MPEG4 file format according to the Department of Justice Study and the  
28 manufacturer's, Taser International's specifications" so as to make any

1 response speculative as to exactly what is being sought, thereby making this  
2 request burdensome and oppressive to this responding party.

3 However, and without waiving said objections, Defendant attaches  
4 hereto another copy of a DVD containing the March 15, 2008, recording from  
5 Officer Temores' taser cam which was downloaded pursuant to policy and  
6 taken into evidence.

7 **REQUEST FOR PRODUCTION NO 5**

8 Please produce and provide a copy of Defendant Temores' activation  
9 data of the March 15, 2008 incident from his taser gun's Data Port in the PDF  
10 file format according to Defendant Powers' assertion from the February  
11 6, 2007 Taser Task Force meeting, according to the Department of Justice  
12 Study, and according to the manufacturer Taser International.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO 5**

14 Defendant objects to this request as phrased in that it may violate the  
15 attorney-client and/or attorney work-product privilege, and it may also seek  
16 items and/or information that are privileged and protected under the attorney  
17 work-product and/or attorney-client privilege. It may also violate the  
18 litigation and the official information privileges.

19 Further, said request seeks items and information that are equally  
20 available to all parties and therefor it is burdensome and oppressive to this  
21 responding party.

22 Also said request is compound and argumentative. It is further  
23 unintelligible as presently phrased.

24 Additionally, said request is vague and ambiguous as to the  
25 words/terms "activation data", "data", "taser gun's Data Port", "data port", "in  
26 the PDF file format", "PDF", "file format", "according to Defendant Powers",  
27 "assertion", "Taser Task Force meeting", "according to the Department of  
28 Justice Study, and according to the manufacturer Taser International" and/or



1 “activation data of the March 15,2008 incident from his taser gun's Data Port  
2 in the PDF file format according to Defendant Powers' assertion from the  
3 February 6,2007 Taser Task Force meeting, according to the Department of  
4 Justice Study, and according to the manufacturer Taser International”, so as to  
5 make any response speculative as to exactly what is being sought, thereby  
6 making this request burdensome and oppressive to this responding party.

7 However and without waiving said objections, Defendant is in the  
8 process of securing a copy of the item sought from the police department. The  
9 Department, with its limited resources and budgetary restraints, is presently  
10 engaged in a preliminary hearing related to a murder trial, and resources have  
11 been extremely limited. As such, there has been a brief delay in copying this  
12 material, however, copies of this data will be forthcoming in a supplemental  
13 response in the very near future. Discovery continuing.

14 **REQUEST FOR PRODUCTION NO 6**

15 Please produce and provide a copy of Defendant Burger's activation  
16 data of the March 15,2008 incident from his taser gun's Data Port in the PDF  
17 file format according to Defendant Powers' assertion from the February  
18 6,2007 Taser Task Force meeting, according to the Department of Justice  
19 Study, and according to the manufacturer Taser International.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO 6**

21 Defendant objects to this request as phrased in that it may violate the  
22 attorney-client and/or attorney work-product privilege, and it may also seek  
23 items and/or information that are privileged and protected under the attorney  
24 work-product and/or attorney-client privilege. It may also violate the  
25 litigation and the official information privileges.

26 Further, said request seeks items and information that are equally  
27 available to all parties and therefor it is burdensome and oppressive to this  
28 responding party.

1 Also said request is compound and argumentative. It is further  
2 unintelligible as presently phrased.

3 Additionally, said request is vague and ambiguous as to the  
4 words/terms "activation data", "data", "taser gun's Data Port", "data port", "in  
5 the PDF file format", "PDF", "file format", "according to Defendant Powers",  
6 "assertion", "Taser Task Force meeting", "according to the Department of  
7 Justice Study, and according to the manufacturer Taser International" and/or  
8 "activation data of the March 15,2008 incident from his taser gun's Data Port  
9 in the PDF file format according to Defendant Powers' assertion from the  
10 February 6,2007 Taser Task Force meeting, according to the Department of  
11 Justice Study, and according to the manufacturer Taser International", so as to  
12 make any response speculative as to exactly what is being sought, thereby  
13 making this request burdensome and oppressive to this responding party.

14 However and without waiving said objections, Defendant is in the  
15 process of securing a copy of the item sought from the police department. The  
16 Department, with its limited resources and budgetary restraints, is presently  
17 engaged in a preliminary hearing related to a murder trial, and resources have  
18 been extremely limited. As such, there has been a brief delay in copying this  
19 material, however, copies of this data will be forthcoming in a supplemental  
20 response in the very near future. Discovery continuing.

21 **REQUEST FOR PRODUCTION NO 7**

22 Please produce and provide a copy of Defendant Temores' activation  
23 data from his taser gun's Data Port in the PDF file format according to  
24 Defendant Powers' assertion from the February 6, 2007 Taser Task Force  
25 meeting, according to the Department of Justice Study, and according to the  
26 manufacturer Taser International from March 14,2008 through March 16,  
27 2008 to clear up any disputes about the number of times he discharged  
28 electricity and the duration he discharged electricity.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO 7**

2 Defendant objects to this request as phrased in that it may violate the  
3 attorney-client and/or attorney work-product privilege, and it may also seek  
4 items and/or information that are privileged and protected under the attorney  
5 work-product and/or attorney-client privilege. It may also violate the  
6 litigation and the official information privileges.

7 Further, said request seeks items and information that are equally  
8 available to all parties and therefor it is burdensome and oppressive to this  
9 responding party.

10 Also said request is compound and argumentative. It is further  
11 unintelligible as presently phrased.

12 Additionally, said request is vague and ambiguous as to the  
13 words/terms "activation data", "data", "taser gun's Data Port", "data port", "in  
14 the PDF file format", "PDF", "file format", "according to Defendant Powers",  
15 "assertion", "Taser Task Force meeting", "according to the Department of  
16 Justice Study, and according to the manufacturer Taser International", "March  
17 14,2008 through March 16, 2008", "clear up", "any", "disputes", "number of  
18 times", "discharged", "discharged electricity", "duration", "discharged",  
19 "electricity" and/or "activation data from his taser gun's Data Port in the PDF  
20 file format according to Defendant Powers' assertion from the February 6,  
21 2007 Taser Task Force meeting, according to the Department of Justice Study,  
22 and according to the manufacturer Taser International from March 14,2008  
23 through March 16, 2008 to clear up any disputes about the number of times he  
24 discharged electricity and the duration he discharged electricity", so as to  
25 make any response speculative as to exactly what is being sought, thereby  
26 making this request burdensome and oppressive to this responding party.

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1           However and without waiving said objections, Defendant is in the  
2 process of securing a copy of the item sought from the police department.  
3 Presently the Department with its limited resources and budgetary restrains, is  
4 presently engaged in a preliminary hearing related to a murder trial, and  
5 resources have been extremely limited. As such, there has been a brief delay  
6 in copying this material, however, copies of this data will be forthcoming in a  
7 supplemental response in the very near future. Discovery Continuing.

8           **REQUEST FOR PRODUCTION NO 8**

9           Please produce and provide a copy of Defendant Burger's activation  
10 data from his taser gun's Data Port in the PDF file format according to  
11 Defendant Powers' assertion from the February 6, 2007 Taser Task Force  
12 meeting, according to the Department of Justice Study, and according to the  
13 manufacturer Taser International from March 14,2008 through March 16,2008  
14 to clear up any disputes about the number of times he discharged electricity  
15 and the duration he discharged electricity.

16           **RESPONSE TO REQUEST FOR PRODUCTION NO 8**

17           Defendant objects to this request as phrased in that it may violate the  
18 attorney-client and/or attorney work-product privilege, and it may also seek  
19 items and/or information that are privileged and protected under the attorney  
20 work-product and/or attorney-client privilege. It may also violate the  
21 litigation and the official information privileges.

22           Further, said request seeks items and information that is equally  
23 available to all parties and therefor it is burdensome and oppressive to this  
24 responding party.

25           Also said request is compound and argumentative. It is further  
26 unintelligible as presently phrased.

27           ///

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1           Additionally, said request is vague and ambiguous as to the words/  
2 terms "activation data", "data", "taser gun's Data Port", "data port", "in the  
3 PDF file format", "PDF", "file format", "according to Defendant Powers",  
4 "assertion", "Taser Task Force meeting", "according to the Department of  
5 Justice Study, and according to the manufacturer Taser International", "March  
6 14,2008 through March 16, 2008", "clear up", "any", "disputes", "number of  
7 times", "discharged", "discharged electricity", "duration", "discharged",  
8 "electricity" and/or "activation data from his taser gun's Data Port in the PDF  
9 file format according to Defendant Powers' assertion from the February 6,  
10 2007 Taser Task Force meeting, according to the Department of Justice Study,  
11 and according to the manufacturer Taser International from March 14,2008  
12 through March 16, 2008 to clear up any disputes about the number of times he  
13 discharged electricity and the duration he discharged electricity", so as to  
14 make any response speculative as to exactly what is being sought, thereby  
15 making this request burdensome and oppressive to this responding party.

16           However and without waiving said objections, Defendant is in the  
17 process of securing a copy of the item sought from the police department.  
18 Presently the Department with its limited resources and budgetary restrains, is  
19 presently engaged in a preliminary hearing related to a murder trial, and  
20 resources have been extremely limited. As such, there has been a brief delay  
21 in copying this material, however, copies of this data will be forthcoming in a  
22 supplemental response in the very near future. Discovery Continuing.

23           **REQUEST FOR PRODUCTION NO 9**

24           Please produce and provide the secure "x26" DATA FILES, containing  
25 the activation data of Defendants Temores' and Burger's taser guns' Data Ports  
26 from the March 15, 2008 incident.

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1       **RESPONSE TO REQUEST FOR PRODUCTION NO 9**

2           Defendant objects to this request as phrased in that it may violate the  
3 attorney-client and/or attorney work-product privilege, and it may also seek  
4 items and/or information that are privileged and protected under the attorney  
5 work-product and/or attorney-client privilege. It may also violate the  
6 litigation and the official information privileges.

7           Further, said request seeks items and information that are equally  
8 available to all parties and therefor it is burdensome and oppressive to this  
9 responding party.

10          Also said request is compound and argumentative. It is further  
11 unintelligible as presently phrased.

12          Additionally, said request is vague and ambiguous as to the  
13 words/terms "secure", "x26'", "x26 DATA FILES", "data files", "containing",  
14 "activation data", "data", "taser guns' Data Ports", and/or "secure "x26"  
15 DATA FILES, containing the activation data of Defendants Temores' and  
16 Burger's taser guns' Data Ports from the March 15, 2008 incident" so as to  
17 make any response speculative as to exactly what is being sought, thereby  
18 making this request burdensome and oppressive to this responding party.

19          However and without waiving said objections, Defendant is in the  
20 process of securing a copy of the item sought from the police department.  
21 The Department, with its limited resources and budgetary restrains, is  
22 presently engaged in a preliminary hearing related to a murder trial, and  
23 resources have been extremely limited. As such, there has been a brief delay  
24 in copying this material, however, copies of this data will be forthcoming in a  
25 supplemental response in the very near future. Discovery Continuing.

26       **REQUEST FOR PRODUCTION NO 10**

27           Please produce and provide the secure "x26" DATA FILES, containing  
28 the activation data of Defendants Temores' and Burger's taser guns' Data Ports  
from March 14, 2008 through March 16, 2008 in order to clear up any

1 disputes about the number of times electricity was discharged.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO 10**

3 Defendant objects to this request as phrased in that it may violate the  
4 attorney-client and/or attorney work-product privilege, and it may also seek  
5 items and/or information that are privileged and protected under the attorney  
6 work-product and/or attorney-client privilege. It may also violate the  
7 litigation and the official information privileges.

8 Further, said request seeks items and information that are equally  
9 available to all parties and therefor it is burdensome and oppressive to this  
10 responding party.

11 Also said request is compound and argumentative. It is further  
12 unintelligible as presently phrased.

13 Additionally, said request is vague and ambiguous as to the  
14 words/terms "secure", "x26'", "x26 DATA FILES", "data files", "containing",  
15 "activation data", "data", "taser guns' Data Ports", "Data Ports from March 14,  
16 2008 through March 16, 2008", "order", "clear up", "any", "disputes", "any  
17 disputes", "about", "number of times", "electricity", "discharged' and/or  
18 "the secure "x26" DATA FILES, containing the activation data of Defendants  
19 Temores' and Burger's taser guns' Data Ports from March 14, 2008 through  
20 March 16, 2008 in order to clear up any disputes about the number of times  
21 electricity was discharged" so as to make any response speculative as to  
22 exactly what is being sought, thereby making this request burdensome and  
23 oppressive to this responding party.

24 However and without waiving said objections, Defendant is in the  
25 process of securing a copy of the item sought from the police department.  
26 Presently the Department with its limited resources and budgetary restrains, is  
27 presently engaged in a preliminary hearing related to a murder trial, and  
28 resources have been extremely limited. As such, there has been a brief delay

1 in copying this material, however, copies of this data will be forthcoming in a  
2 supplemental response in the very near future. Discovery Continuing.

3 **REQUEST FOR PRODUCTION NO 35**

4 Please produce and provide any and all evidence of a baseball bat being  
5 at the scene of the March 15, 2008 incident as documented in Defendant  
6 Burger's statement in the police report.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO 35**

8 Objection. Defendant objects to this request in that the information  
9 sought has been previously provided pursuant to an earlier production demand  
10 as well as in Defendants' Rule 26 Disclosure. As such, Plaintiff is already in  
11 possession of such.

12 Additionally, as phrased the request it may violate the attorney-client  
13 and/or attorney work-product privilege, and it may also seek items and/or  
14 information that are privileged and protected under the attorney work-product  
15 and/or attorney-client privilege. It may also violate the litigation and the  
16 official information privileges.

17 Further, said request seeks items and information that is equally  
18 available to all parties and therefor it is burdensome and oppressive to this  
19 responding Party.

20 Also said request is compound and argumentative.

21 Additionally, said request is vague and ambiguous as to the  
22 words/terms "baseball bat", "being", "the scene", "scene", "incident",  
23 "documented", "statement" and/or "baseball bat being at the scene of the  
24 March 15, 2008 incident as documented in Defendant Burger's statement in  
25 the police report" so as to make any response speculative as to exactly what is  
26 being sought, thereby making this request burdensome and oppressive to this  
27 responding party.

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1           However, and without waiving said objections, Defendant attaches  
2 hereto a copy of Palo Alto police report #08-1777 which indicates the  
3 existence of a baseball bat within the van.

4 DATED: July 12, 2010

FERGUSON, PRAET & SHERMAN  
A Professional Corporation

6 By:

  
7 \_\_\_\_\_  
Steven A. Sherman, Attorneys for  
Defendants

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Taser Download Report

2008



Shift	Officer Name	Taser	TaserCam	Cartridge 1	Cartridge 2	Download	Re-Issued	Notes
<b>1A</b>								
	HONIKER, MICHAEL	X00-292313	V06-015550	H07-629697	H07-629797	1/3/2008	no	none
	PREHEIM, CORI	X00-292310	V07-015024	H07-628820	H07-628892	1/18/2008	no	none
	SALAZAR, KARA	X00-342119	V07-056792	H07-629681	H07-630342			
	VILLAESCUSA, MARIANNA	X00-292432	V08-003121	H07-628897	H07-629651	12/27/2007	no	RMA - cart / blast doors broken
	JOLIN, CHRISTINE	X00-268083	V06-015576	H07-629784	H07-629020	1/3/2007	no	none
<b>2A</b>								
	POWERS, NATASHA	X00-292324	V06-015582	H07-629783	H07-629062			
	WAGNER, APRIL	X00-265356	V06-015303	H07-629038	H07-629748	1/18/2008	no	none
	PARHAM, LUIS	X00-292232	V06-014885	H07-628891	H07-629727	12/27/2007	no	left on for 20 min
	BURGER, KELLY	X00-292463	V07-085373	H07-629707	H08-907188	1/9/2008	no	H07-628908 used on suspect
	re-issued	X00-292398	V06-015551					original taser given to Burns
	POJANAMAT, DAN	X00-266981	V06-015032	H07-629720	H07-629788	1/10/2007	yes	none
<b>3A</b>								
	MALONEY, CON	X00-292309		H07-629826	H07-628995			
	KRATT, KEN	X00-292404	V06-015535	H07-629751	H07-629807	1/17/2008	no	none
	GREEN, DUJUAN	NONE ISSUED						
	NIELEPKO, MAX	X00-292298	V06-015335	H07-629721	H07-629732	1/18/2008	no	V06-015041 RMA
	DE SANTIAGO, CARLOS	X00-292300	V06-15560	H07-63312	H08-107962			
	PECORARO, DAVID	X00-268009	V06-015543	H07-629704	H07-629012	1/10/2008	no	none
<b>4A</b>								
	JACKSON, CURTISS	X00-292464	V06-015549	H07-629785	H07-629794	1/11/2008	no	none
	BENITEZ, WAYNE	X00-292405	V06-015016	H07-629690	H07-628853	1/4/2008	no	none
	AFANASIEV, ALEX	X00-366089	V06-155080	H07-629775	H07-629774	1/1/2008	no	X00-292398 RMA
	PANEDA, JESUS	X00-375177	V08-001526	H07-628863	H07-629695	1/11/2008	no	X00-292411 RMA
	BECKER, TONY	X00-292325	V06-015558	H07-629679	H07-629030	1/9/2008	no	none
	VANBIBBER, DOUG	X00-342057	V07-055548	H07-633201	H07-633243			
<b>5A</b>								
	PRIESS, SASCHA	X00-292298	V06-015594	H07-629848	H07-629790	1/10/2008	no	none
	BECCHETTI, BEN	X00-627902	V06-014881	H07-629724	H07-629719	2/4/2008	no	none
	QUENSBERY, BENJAMIN	X00-266659	V06-001536	H07-629715	H07-629798	1/9/2008	no	none
	DOWNEY, SEAN	X00-292205	V06-015545	H07-628912	H07-629796	1/10/2008	no	none
<b>1B</b>								
	PERRON, ZACH	X00-266613	V06-015037	H07-629812	H07-629907	1/19/2008	no	none
	GUY, DAVID	X00-268350	V06-015062	H07-629734	H07-629728	1/10/2008	no	none
	PARK, EDWARD	X00-342089	V06-015029	H07-629808	H07-629808	1/17/2008	yes	V06-015072 RMA
	SOUZA, DEREK	X00-341997	V07-059050	H07-847542	H07-629686			
<b>2B</b>								
	BONILLA, ROBERT	X00-266914	V06-015538	H07-628522	H07-629725	1/12/2008	no	none
	TEALER, DENNIS	X00-292354	V06-015342	H07-628985	H07-629738	1/17/2008	no	none X00-267937 RMA
	POHL, TOM	X00-292295	V06-015340	H07-629943	H07-629852	1/11/2008	yes	none
	NEWBOM, NANELLE	X00-267977	V06-015028	H07-629825	H07-629860	1/10/2008	no	none
	KAN, MICHAEL	X00-269435	V06-015022	H07-629777	H07-628526	1/17/2008	no	none
<b>3B</b>								
	PHILLIPS, REBECCA	X00-292337	V06-015565	H07-629952	H07-629892	1/10/2008	yes	unit previously issued to Cunag
	TANNOCK, DUANE	X00-292312	V06-015532	H07-629780	H07-629796	1/10/2008	no	none
	GHILARUCCI, COLE	X00-292356	V06-015568	H07-629912	H07-629827	1/10/2008	no	none
	BYBEE, DANIEL	X00-321695	V06-015534	H07-629806	H07-629889	1/10/2008	no	none
	SEGHETTI, DANIEL	X00-268088	V06-015066	H07-629954	H07-629844	1/11/2008	no	none
<b>4B</b>								
	COSTA, JOHN	X00-292335	V06-015026	H07-629699	H07-629655	1/3/2008	no	none
	BULLERJAHN, RICHARD			H07-628938	H07-629660	1/18/2008	no	H07-629057 replacemner for AD
	HUGHES, TYSON	X00-292290	V06-015021	H07-629710	H07-629712	1/17/2008	no	none
	LEE, DAVID	X00-292355	V06-015529	H07-628923	H07-628992	1/17/2008	no	none
	BULATAO, ERIC	X00-292297	V06-015534	H07-629688	H07-629048	1/4/2008	no	46 records only
<b>5A</b>								
	BROOKS, GARY	X00-292332	V06-015341	H07-628552	H07-629832	1/10/2008	no	none

BREADY, JEAN	X00-266914	V06-015538	H07-629921	H07-629772	1/11/2008	no	none
TEMORES, MANUEL	X00-292417	V06-015530	H07-628928	H07-633203	1/8/2008	no	time change
Temores re-issued	X00-356562	V06-015539					original taser given to Burns
ORCHARD, HOLLY	X00-292330	V06-015575	H07-629789	H07-629711	12/27/2007	no	none
LEE, BEN	X00-268031	V06-015023	H07-629717	H07-629742	1/10/2008	no	none
CHRISTMAS, MELDA	X00-342089	V06-015029	H07-846057	H07-629649	12/26/2007	no	2 x 20min on & AD 1 / cart
ARNDT, DONNA	X00-292340	V06-015556	H07-629779	H07-629881			
SOUZA, HEATHER	X00-292439	V06-015540	H07-628935	H07-629680	1/11/2008	no	none
MCNISH, ERIN	X00-292261	V060015592	H07-629833	H07-629820	1/3/2007	no	in locker
LEWIS, DAVID	NONE ISSUED						
MADRIGAL, SAL	X00-267611	V06-014886	H07-628553	H07-629740	1/17/2008	no	none
MOORE, ADRIENNE	X00-292410	V06-014880	H07-629737	H07-628556	1/17/2008	no	none
	X00-292329	V06-015015	H07-629733	H07-629838	1/17/2008	no	none
WONG, SCOTT	X00-292321	V06-015527	H07-628874	H07-629694	1/18/2008	no	none
JENKINS, JASON	X00-292307	V06-015300	H07-629795	H07-629731	1/17/2008	no	none
SAVAGE, SCOTT	X00-267458	V06-015046	H07-628795	H07-629744	1/17/2008	no	none
PHILIP, BRIAN	X00-292314	V06-015301	H07-629890	H07-629855	1/17/2008	no	none
HOLLER, ANJANETTE	X00-292353	V06-015073	H07-629815	H07-629745	1/11/2008	no	left on 2x20min, batt at 12%
DORAN, ALISA	X00-292339	V06-015074	H07-629749	H07-629741	1/10/2008	no	none
REIFSCHEIDER, JAMES	X00-330957	X06-015061	H07-629713	H07-629762	1/10/2008	no	none
HAMMETT, CHRIS	X00-267944	V06-014900	H07-629884	H07-629801	1/10/2007	no	synchronized times
HERRERA, STEVE	X00-292336	V06-015548	H07-629693	H07-629802	1/10/2008	no	one cartridge AD
KILPATRICK, BRAD	X00-268242	V06-015035	H07-629678	H07-628927	1/10/2008	no	none
LEE, CRAIG	X00-292304	V06-015044	H07-629005	H07-629819	1/8/2007	no	none
FLOHR, DAVE	X00-321661	V06-015067	H07-629830	H07-629883	1/17/2008	no	none
RYAN, DAN	X00-270222	V06-014750	H07-629906	H07-629714	1/17/2008	no	X00-268274 RMA
LUM, PATRICIA	X00-292333	V06-015553	H07-629805	H07-629886	1/11/2008	no	none
JOHNSON, LYNN	NONE ISSUED						
BURNS, DENNIS							
VENABLE, MARK	X00-365963	V06-015036	H07-629750	H07-629752			X00-268243 RMA
BEACOM, BOB	NONE ISSUED						
BROWN, SANDRA	X00-292306	V06-015561	H07-629726	H07-629793	1/18/2008	no	none
COLLET, KIM	X00-292311	V06-015537	H07-629691	H07-629708	1/19/2008	no	none
GAGE, TAMI	X00-292416	V06-015567	H07-629781	H07-629776	1/18/2008	no	none
DENSON, MIKE	X00-292403	V06-015011	H07-629705	H07-629687	1/10/2008	no	X00-292301 V06-015011 RMA
KEITH, DOUG	X00-292317	V06-015536			12/27/2007	no	none
MORGAN, TIM	X00-292291	V06-015064			1/26/2008		
WATSON, RON	X00-292419	V06-015528	H07-629666	H07-628898	1/10/2008	no	none
LONGWELL, ROB	X00-292320	V06-015526	?	?			
STOESSER							
JENSEN	X00-292352	V06-015533	H07-629804	H07-629799			
PATANE, JEFF							
NEVERVE, DENNY	X00-266433	V06-015018	H07-629853	H07-629842			
FARR, RICK							
MCKAY	X00-292323	V06-015559	H07-629893	H07-629879			
DUEKER, KEN	X0-0269475	V06-015345	H07-629723	H07-629792			
RUDD	X00-292480	V06-015040	?	?			
DeStefano, TJ	X00-292328	V06-015981	H07-629863	H07-629042			Cartridge #1 blast doors broke
Correia, C	X00-266368	V08-002709	H07-629882	H07-633205			
Martinez, N	X00-292406	V06-015568	H07-633241	H07-629862			
BOX #1	X00-342119	V07-015692					in locker #100
BOX #2	X00-342057	V07-059050					in locker #100
BOX #3	X00-341997						in locker #100
BOX #4	X00-292300						in locker #100
BOX #5	X00-356562						X00-270222 ISSUED TO RYAN
BOX #6	X00-292456						in locker #100
BOX #7	X00-292298						in locker #100
BOX #8	X00-267665						in locker #100
BOX #10	X00-292428						in locker #100
BOX #11	X00-292328						in locker #100
BOX #12	X00-292322						in locker #100
BOX #13							in locker #100
BOX #14	X00-292338						in locker #100



1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I, Cathy Sherman, employed in the aforesaid County, State of  
4 California; I am over the age of 18 years and not a party to the within action.  
5 My business address is 1631 East 18th Street, Santa Ana, California 92705-  
6 7101.

7 On July 12, 2010, I served the **DEFENDANT DENNIS BURNS**  
8 **PARTIAL RESPONSE TO PLAINTIFF'S REQUEST FO**  
9 **PRODUCTION OF DOCUMENTS, SET TWO, NOS. 1-10, 35** on the  
10 interested parties in this action by placing a true copy thereof, enclosed in a  
11 sealed envelope, addressed as follows:

12 Joseph Ciampi  
13 P.O. Box 1681  
14 Palo Alto, CA 94302  
15 650-468-3561  
16 [t.ciampi@hotmail.com](mailto:t.ciampi@hotmail.com)

17 **XXX (By Mail)** I placed such envelope for deposit in accordance with office  
18 practice, sealed, with postage thereon fully paid and the correspondence  
19 to be deposited in the United States mail at Santa Ana, California on the  
20 same day.

21 **XXX (By e-filing)** The above noted individuals are registered with the Court  
22 to receive notice of electronically filed documents. Per ECF rules, hard  
23 copies must be served only on parties who are not set up for electronic  
24 notification.

25 \_\_\_\_\_ (By Personal Service) I caused such envelope to be delivered by hand to  
26 the office of the addressee.

27 \_\_\_\_\_ (State) I declare under penalty of perjury under the laws of the State of  
28 California that the foregoing is true and correct.

XXX (Federal) I declare under penalty of perjury that the foregoing is true  
and correct, and that I am employed in the office of a member of the bar  
of this Court at whose direction the service was made.

Executed on July 12, 2010, at Santa Ana, California.

23 /s/ Cathy Sherman  
24 Cathy Sherman